

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE SRA	AFSN/SSAN [REDACTED]	
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW	
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		
YES	NO	ADDRESS AND OR ORGANIZATION OF COUNSEL		
	X			
MEMBERS SITTING		VOTE OF THE BOARD		
		HON	GEN	UOTHC
		X		
		X		
		X		
		X		
		X		
ISSUES A94.06		INDEX NUMBER A67.10		
HEARING DATE 26 AUG 03		CASE NUMBER FD2003-0300		
		EXHIBITS SUBMITTED TO THE BOARD		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
		4	BRIEF OF PERSONNEL FILE	
			COUNSEL'S RELEASE TO THE BOARD	
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE HEARING	
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.				
REMARKS Case heard at Washington, D.C. Advise applicant of the decision of the Board.				
SIGNATURE OF RECORDER [REDACTED]		SIGNATURE OF BOARD PRESIDENT [REDACTED]		
INDORSEMENT			DATE: 26 AUG 03	
TO: SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742		FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3 RD FLOOR ANDREWS AFB, MD 20762-7002		

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: The Board grants the requested relief.

The Board finds that neither the evidence of record or that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's reason and authority for discharge inequitable.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s, the first one for failure to have his dorm room in inspection order and the second for writing bad checks. Additionally, he received four Letters of Reprimand for failure to obey several lawful orders, missing two dental appointments, failure to obey an order and for financial irresponsibility. The DRB opined that the applicant should have been given financial counseling instead of 15 days extra duty and a reprimand, followed by a discharge. The Board concluded the misconduct in regards to the bad checks was a significant departure from conduct expected of all military members. But, the overall characterization of the discharge should reflect an Honorable discharge and Secretarial Authority.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and the reason for the discharge is more accurately described as Secretarial Authority.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]
[REDACTED]

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 1 Nov 93 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 27 Sep 72. Enlmt Age: 17 11/12. Disch Age: 21 1/12. Educ: HS DIPL. AFQT: N/A. A-85, E-65, G-57, M-76. PAFSC: 3P032 - Law Enforcement Apprentice. DAS: 20 Feb 92.

b. Prior Sv: (1) AFRes 19 Sep 90 - 19 Aug 91 (11 Months 1 Day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 20 Aug 91 for 4 yrs. Svd: 2 Yrs 2 Mos 13 Das, all AMS.

b. Grade Status: AMN - 20 Apr 93 (Vacation of Article 15, 5 Oct 93)
A1C - 20 Dec 92
AMN - 20 Feb 92

c. Time Lost: None

d. Art 15's: (1) 5 Oct 93, Vacation, Bitburg AB, GE - Article 86. You, did, on or about 8 Sep 93, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AMN. (No appeal) (No mitigation)

(2) 20 Apr 93, Bitburg AB, GE - Article 92. You, who knew of your duties, on or about 9 Apr 93, were derelict in the performance of those duties in that you willfully failed to maintain your dormitory room, as it was your duty to do in accordance with Bitburg AB Regulation 90-2, dated 14 Aug 92. Suspended reduction to AMN, and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 2 APR 93 - Failure to maintain dormitory room in accordance with regulations.
LOR, 9 JUL 92 - Writing rude remarks and drawing certain parts of the anatomy.

f. CM: None.

g. Record of SV: 20 Aug 91 - 19 Apr 93 Bitburg AB 3 (Initial)

(Discharged from Travis AFB)

h. Awards & Decs: AFTR, NDSM, AFOLTR, SAEMR.

i. Stmt of Sv: TMS: (3) Yrs (1) Mos (14) Das
TAMS: (2) Yrs (2) Mos (13) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 May 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

ATCH

None.

23Jun03/cr

DEPARTMENT OF THE AIR FORCE
UNITED STATES AIR FORCES IN EUROPE
36TH FIGHTER WING

FROM: 36 SPS/CC

SUBJ: Letter of Notification

12 OCT 1993

TO: Amn [REDACTED] 36 SPS

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFR 39-10, Paragraph 5-46. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. On or about 8 Sep 93, you did fail to go at the prescribed time to your appointed place of duty, for which you received a vacation of suspended Article 15 dated 5 Oct 93.

b. You were, on or about 9 April 93, derelict in the performance of your duties at Bitburg Air Base, Germany, in that you willfully failed to maintain your dormitory room, for which you received an Article 15 dated 20 Apr 93.

c. You were, on or about 1 April 93, derelict in the performance of your duties for failure to maintain your dormitory room in accordance with Bitburg AB Reg 90-2, for which you received a Letter of Reprimand dated 2 April 93.

d. You did, on or about 7 June 92, while posted as Gate #2 Sentry write several rude remarks as well as make several drawings depicting certain parts of the anatomy. Along with these items you also drew certain drawings depicting a swastika. For these actions you received an LOR dated 9 July 92.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force, and if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.

3. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. An appointment has been made for you to consult Capt [REDACTED], Area Defense Counsel at Bldg 112 on 13 OCT, at 0830 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 15 OCT 93 unless you request and receive an extension for good cause. I will send them to the separation authority.
5. If you fail to consult counsel or fail to submit statements in your behalf, your failure will constitute a waiver of your right to do so.
6. You must receive a medical examination at the 36 Fighter Wing Hospital, Physical Exam Section at 1904 hours on 0730.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, Attachment 2. A copy of AFR 39-10 is available for your use in the Unit Orderly Room.
8. Execute the attached acknowledgment and return it to me immediately.


Section Commander, USAF

5 Atchs

1. AF Form 393 dtd 5 Oct 93
2. Article 15 dtd 20 Apr 93
3. LOR dtd 2 Apr 93
4. LOR dtd 9 Jul 92
5. Airman's Receipt of Notification ltr